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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,821	01/24/2001	Maximilian Angel	51162	2188
26474	7590	11/23/2004	EXAMINER	
KEIL & WEINKAUF 1350 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			KANTAMNENI, SHOBHA	
			ART UNIT	PAPER NUMBER
			1617	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/767,821

Applicant(s)

ANGEL ET AL.

Examiner

Shobha Kantamneni

Art Unit

1617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See continuation sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-3 and 10.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
SREENI PADMANABHAN  
SUPERVISORY PATENT EXAMINER

## Response to Applicant's Arguments:

The Applicant's arguments and the declaration filed on October 13, 2004 to the rejection of claims 1-3, and 10 made by the Examiner under 35 USC 103 have been fully considered and deemed not persuasive.

## 103 Rejection Maintained:

The rejection of claims 1-3, and 10 under 35 U.S.C. 103(a) as being unpatentable over GB 922,459 in view of Wu et al. (5,338,814) is MAINTAINED for the reasons set forth in the Final Office Action mailed 07/14/2004, and those found below.

Applicant argue's that the "teachings of GB 922,459 relates to a graft copolymerization which is although conducted in a solution formed by the starting material- not normally regarded as a solution polymerization" this argument is not persuasive. EXAMPLE 6 GB 922,459 describes that "a solution of graft polymer is prepared from polyethylene oxide (molecular weight 4000), vinyl acetate and a free radical initiator, wherein methanol is used as a solvent. This is a solution polymerization wherein all the monomers and the resulting polymer are soluble in methanol at the polymerization temperature.

Applicant argue's that "a person of ordinary skill would reasonably expect that an agent which provides for a chain transfer reaction in the solution polymerization of polyvinylpyrrolidone disclosed by Wu et al. would interfere with a graft copolymerization as taught by GB 922,459", this argument is not persuasive. Examiner respectfully points out that from Wu's reference a person of ordinary skill in the art would be motivated to use PEG-300 in free radical polymerization because of the advantage of controlling the viscosity buildup during polymerization.

Applicant argue's that " It is further respectfully noted that GB 922,459 contains nothing which would suggest or imply .....As such, a person of ordinary skill in the art was not motivated to seek out the means which control the molecular weight.....". This argument is not persuasive because 1) Applicant argue's about the properties of the graft copolymer which is not commensurate in scope with the instant claims and 2) Both Wu et al. and GB 922, 459 are directed to methods of polymerization utilizing free radical solution polymerization. Wu et al. teach the advantage of polymerization in the presence of polyethylene glycol having a MW of about 300, i.e., a better control of MW of the polymer and the termination process is not hindered by viscosity buildup during polymerization. Thus, there is motivation to combine the two references.